

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 2, 4-6 and 8 are pending in the application. Reconsideration of the claim is respectfully requested.

In paragraph 2 on page 3 of the Office Action, claims 1, 2, 4-6 and 8 were finally rejected under 35 USC §103(a) as being unpatentable over Guttag in view of Martin (5,601,683).

Guttag fails to teach or suggest at least a second indicia not capable of being scanned and further not visible under normal viewing conditions for confirming that said limited edition stamp is a valid limited edition stamp as recited in claim 1. Rather, Guttag discloses that an expert can serially number a philatelic item expertized by him or her, e.g., serialize a number of “inverted Jenny” defective stamps. Applicants submit that applying serial or series numbers to defective stamps is not the same as a limited edition stamp. Thus, Guttag does not disclose a limited edition stamp. Moreover, Guttag does not disclose a second indicia for confirming that the limited edition official postal stamp is a valid limited edition official postal stamp, i.e., at least a stamp being one out of a predetermined number. *See* page 7 of Applicants’ Specification. Guttag merely discloses that an expert’s authentication mark is applied to a philatelic item and covered with plastic 24. *See* Col. 2, lines 42-46. However, Guttag does not disclose that the philatelic item is a limited edition stamp, and furthermore, that a second indicia is not capable of being scanned and further not visible under normal viewing conditions confirms that said limited edition stamp is a valid limited edition stamp. Accordingly, the Office Action’s use of inherency does not confirm that said limited edition official postal stamp is a valid limited edition official postal stamp, i.e., at least a stamp being one out of a predetermined number. “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result for a given set of circumstances is not sufficient.” *Continental Can Co. v. Monsanto Co.*, 948 F. 2d 1264, 1269, 20 USPQ 1746, 1749 (Fed. Cir. 1991).

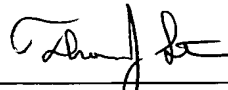
Martin fails to remedy the deficiencies of Guttag as Martin fails to teach or suggest at least a second indicia not capable of being scanned and further not visible under normal viewing conditions for confirming that said limited

edition stamp is a valid limited edition stamp as recited in claim 1. Rather, Martin discloses a photocopy-resistant background pattern of logo to prevent forgery. *See Abstract.* However, Martin, does not confirm that a limited edition official postal stamp is a valid limited edition official postage stamp, i.e., a stamp being one out of a predetermined number.

In view of the above remarks, Applicants respectfully submit that claim 1 is patentable over the cited references. Rejected independent claim 8 recite one or more features generally similar to those of claim 1 discussed above and, for similar reasons as discussed above, are believed to be patentable over the cited references. Because claims 2 and 4-6 depend from claim 1 and include the features recited in the independent claims as well as additional features, Applicants respectfully submit that claims 4-6 are also patentably distinct over the cited references. Nevertheless, Applicants are not conceding the correctness of the Examiner's rejection with respect to such dependent claims and reserves the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 53,950

Thomas J. Strouse/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.